

REMARKS

Claims 1, 3-20, 22-39, 41-58 and 60-77 are pending in the application.

Claims 1, 3-20, 22-39, 41-58 and 60-77 have been rejected.

Claims 1, 20, 39, 58 and 77 have been amended.

Unless otherwise specified below, Applicants have amended the above-referenced claims in order to provide clarity or to correct informalities in the claims. By these amendments, Applicants do not concede that the cited art is prior to any invention now or previously claimed. Applicants further reserve the right to pursue the original versions of the claims in the future, for example, in a continuing application.

Rejection of Claims Under 35 U.S.C. §103

Claims 1, 11, 14, 20, 30, 33, 39, 49, 52, 58, 68 and 72 stand rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over U.S. Patent Publication No. 2002/0054115 naming Mack et al. as inventors ("Mack") in view of *Adobe® GoLive™ 5.0 User Guide*, Adobe, 2000 ("Adobe"), and further in view of *Core Servlets and JavaServer Pages™*, Prentice Hall, 2000 ("Hall"). Applicants respectfully traverse this rejection.

In order for a claim to be rendered invalid under 35 U.S.C. §103, the subject matter of the claim as a whole would have to be obvious to a person of ordinary skill in the art at the time the invention was made. *See* 35 U.S.C. §103(a). This requires: (1) the reference(s) must teach or suggest all of the claim limitations; (2) there must be some teaching, suggestion or motivation to combine references either in the references

themselves or in the knowledge of the art; and (3) there must be a reasonable expectation of success. *See* MPEP 2143; MPEP 2143.03; *In re Rouffet*, 149 F.3d 1350, 1355-56 (Fed. Cir. 1998).

Independent Claims 1, 20, 39 and 58:

Applicants note that the Office Action cites to broad sections of text in Mack, Adobe and Hall for all of the implicated claim limitations of independent Claims 1, 20, 39 and 58. Applicants respectfully submit that these broad citations relied upon by the Office Action have not been designated as nearly as practicable, and the pertinence of each reference has not been clearly explained, both as required by 35 C.F.R. § 1.106(b). *See also* MPEP §706.02(j). For example, the Office Action fails to provide any indication of what in Hall corresponds with any element of the “selecting” limitation. Nevertheless, Applicants have made every effort to respond to the rejections outlined in the Office Action.

Independent Claims 1, 20, 39 and 58, as amended, each contain a limitation of substantially the following form:

selecting a tag field-based view from a plurality of tag field-based views,
wherein

the selected tag field-based view comprises one or more applets,
a view is a user interface for presentation of data, and
each of the plurality of tag field-based views is available to serve as a
model for converting a Cartesian coordinate-based view.

See, e.g., Claim 1 (amended). The Office Action admits that the primary reference, Mack, fails to provide disclosure of the previous version of this limitation. *See* Office Action, pp.3-4. The Office Action then relies upon Adobe as providing purported disclosure of the claimed selecting in combination with Hall as providing purported

disclosure of the claimed one or more applets comprising the view. *Id.* (citing Adobe, p.62 and Hall, pp.274-283). Applicants respectfully submit that the cited sections of Adobe and Hall fail to provide disclosure of the claim limitation.

The Office Action states that the cited section of Adobe provides an HTML Source Editor tab to allow a user to view and edit HTML of a document, with HTML being a tag-based language. The Office Action further states that it would have been obvious to make the combination of Mack with Adobe “since it would have allowed a user to directly edit HTML source code.” *See* Office Action, p.4. Thus, the Office Action is suggests that the HTML Source Editor tab provides the previously claimed “selecting a tag field-based view comprising one or more applets.”

As an initial matter, Applicants submit that the HTML Source Editor tab does not provide the claimed selecting the tag field-based view. Instead, the HTML Source Editor merely provides a text-based view of an HTML document in order to purportedly directly edit the document. *See* Office Action, p.4. Further, Adobe does not explicitly or implicitly disclose that the HTML Source Editor tab selects a view comprising one or more applets, as claimed. Adobe merely provides that this tab will purportedly provide for designing a page using an HTML text editor. *See* Adobe, p.63.

Applicants further submit that Adobe fails to provide disclosure of the amended claim language which provides for selecting a tag field-based view from among a plurality of tag field based views. Even were the cited disclosure of Adobe to provide for selecting “a tag field-based view,” a proposition with which Applicants do not agree, the cited sections fail to provide disclosure of a plurality of tag field-based views and a selection of one from among them, as claimed.

In addition, Applicants submit that Adobe fails to provide for each of the plurality of tag field-based views being available to serve as a model for converting a Cartesian coordinate-based view, as claimed. Indeed, Adobe fails to provide for such converting at all. At best, Adobe merely provides a single source editor that provides for designing a web page using an HTML editor. *See Adobe*, p.63.

Through the Office Action's use of Adobe as providing purported disclosure of the term "tag field-based view," the Office Action also provides two distinct definitions of that term, which is not a permissible claim construction: a textual representation and a graphical representation. The Office Action also relies upon Adobe for purported disclosure of "adding buttons to a tag-based view." *See Office Action*, p.3. Thus, the tag-based view of this limitation would have to correspond to the tag-based view for the "selecting" limitation, above. Yet, there is no indication in the two citations that the described views are the same. The view described with regard to the citation purportedly disclosing the "selecting" limitation is a textual view "to directly edit HTML source code." The buttons discussed in pp.306-307 of Adobe are purportedly graphical constructs and not textual and therefore could not be presented in a textual view in any other form other than text. Thus, the Office Action interprets Adobe to provide disclosure of a tag-field based view in two different manners, which is not permissible.

The Office Action then relies upon a large section of Hall (pp. 274-283) as purported disclosure of this claim limitation. Applicants respectfully submit that the cited sections of Hall also fail to provide disclosure of the claimed "selecting a tag field-based view comprising one or more applets" because Hall does not provide the claimed "selecting," as discussed below.

The cited section of Hall describes an HTML code element that purportedly causes a web server to build an appropriate tag that allows a web browser to access a Java plug-in to execute an identified applet, regardless of the type of browser. *See* Hall, pp. 274-275 (“The `jsp:plugin` element instructs the server to build a tag appropriate for applets that use the plug-in.”). According to Hall, this is necessitated because contemporaneous versions of popular browsers would not use a standard “APPLET” tag to access a Java plug-in, needing instead to use a tag unique to the browser. The disclosed `jsp:plugin` element purportedly allowed a tag appropriate to the particular browser to be built by the server, thereby allowing access to the Java plug-in.

While Hall discloses purported inclusion of a Java coded applet in an HTML file (*see* Hall, p. 280), it does not disclose selecting a tag field-based view comprising one or more applets, as claimed in independent Claims 1, 20, 39 and 58. The Office Action appears to equate Hall’s HTML file using a `jsp:plugin` with the claimed tag field-based view. But Hall provides for no selection of such a view and, as admitted by the Office Action, Mack also provides no disclosure of a tag field-based view comprising one or more applets nor selection of such a view. Further, Applicants respectfully submit that a tag field-based view does not correlate with Hall’s HTML file using a `jsp:plugin`. Thus, neither Adobe nor Hall nor Mack discloses this limitation.

As claimed in the present Application, a Cartesian coordinate-based view is migrated to the selected tag field-based view. Without a selection of the tag field-based view taking place, there can be no migration to the selected tag field-based view from a Cartesian coordinate-based view. Merely including a mechanism for executing a Java-based applet by a variety of browsers in an HTML file, as purportedly disclosed in Hall,

does not satisfy the claim limitation that requires selection of a tag field-based view that comprises applets.

Each of independent Claims 1, 20, 39 and 58, as amended, also includes a limitation of the following form: “migrating a Cartesian coordinate-based view to the selected tag field-based view.” The Office Action fails to provide citation to any of the references as purportedly providing disclosure for the claimed “migrating.” Instead, the Office Action pieces together sections of Mack and Adobe as purportedly providing disclosure of the separate limitations of the “wherein” clause associated with the claimed “migrating.” *See* Office Action, pp.2-3. There is no indication in either of the references that the cited sections are intended to perform the claimed migrating.

Applicants respectfully submit that none of the cited sections of either Mack or Adobe provide for the claimed “migrating a Cartesian coordinate-based view to the selected tag field-based view.” Instead, Mack’s stated purpose of “produc[ing] high resolution printable digital images” fails to contemplate migration. *See* Mack, ¶ [0015]. In pursuit of its stated purpose, Mack provides an applet that purportedly aids in designing and creating an image such as a sticker. *See* Mack, ¶ [0019]. The applet purportedly generates Java-based data which can then be converted to XML data. *See* Mack, ¶ [0020]. But Mack does not convert the applet by linking it with first applet template, as claimed. Mack’s twin servlets are disclosed to merely convert Java-based data to XML-based data and then back again. *See id.* There is no disclosure that the “servlets” function as applet templates. Thus, Mack fails to provide for migration of a Cartesian coordinate-based view to a selected tag field-based view.

The Office Action does not cite Adobe as purportedly providing disclosure of the claimed “migrating” either. As stated above, the cited section of Adobe merely provides for “buttons” that are purportedly graphical constructs. *See* Adobe, pp.306-307. The Office Action states that this section provides for “adding control buttons to tag-based view.” *See* Office Action, p.3. Without agreeing to this characterization of the disclosure of Adobe, Applicants submit that this statement of the disclosure fails to provide for the claimed “migrating.”

Independent Claims 1, 20, 39 and 58 also contain claim limitations of the forms:

- identifying a first applet of the one or more applets, wherein the first applet comprises one or more controls, and
- associating a first applet template with the first applet, wherein the first applet template comprises one or more characteristics of each of the one or more controls.

See, e.g., Claim 1. The phrase “the one or more applets” refers to language in the claim limitation discussed above, wherein the tag field-based view comprises one or more applets. Therefore, the “identifying” limitation refers to a first applet of the one or more applets that comprise the tag field-based view. The Office Action does not identify an applet in the tag field-based view but rather refers to an applet in the Cartesian coordinate-based view. *See* Office Action, p. 3 (“here, a Java applet is identified to be converted to XML.”) Thus, the cited section of Mack does not disclose the “identifying” claim limitation of the independent claims.

The lack of disclosure of the “identifying” limitation also results in a lack of disclosure of the “associating” claim limitation (as will be appreciated, lacking identification, this item that remains unidentified can hardly be associated with anything).

The “first applet template” is associated with the identified first applet of the one or more applets comprising the tag field-based view. But the Office Action associates a purported template (“twin servlets act as templates”) with the identified Cartesian coordinate-based Java applet.¹ See Office Action, p. 3. In addition, the lack of disclosure of the “first applet template” also results in a lack of disclosure in Mack of the subsequent “linking” claim limitation also found in the independent claims.

Applicants further submit that even were Mack, Adobe and Hall construed as teaching or suggesting all of the limitations for which they are cited (a notion with which Applicants respectfully disagree), the Examiner has not satisfied the burden of factually supporting the alleged motivation to combine the references. The proper rationale for arriving at a conclusion of obviousness, as suggested by the U.S. Supreme Court in *KSR International Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 (2007), include the following tests for determining a motivation to combine elements from the prior art:

- A. Combining prior art elements according to known methods to yield predictable results;
- B. Simple substitution of one known element for another to obtain predictable results;
- C. Use of a known technique to improve similar devices in the same way;
- D. Applying a known technique to a known device ready for improvement to yield predictable results;
- E. “Obvious to try” – choosing from a finite number identified, predictable solutions, with a reasonable expectation of success; and
- F. Some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill to modify the prior art reference or to combine prior art reference teachings to arrive at the claimed invention.

¹ Note that Applicants do not necessarily agree with the Office Action’s position that the disclosed servlets correspond to the claimed template. For purposes of discussion, Applicants merely present the position of the Office Action.

The Examiner must provide evidence applied to these tests to suggest the combination and “[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’” See *In re Dembiczak*, 50 U.S.P.Q. 2d 1614, 1617 (Fed. Cir. 1999). Further, the Office Action does not establish that such a combination of the teachings of these references would meet with success, as also required by 35 U.S.C. § 103(a). Instead, the Office Action merely offers conclusory statements of combinability.

Applicants submit that there is no suggestion or motivation to combine Mack with Adobe. Mack discloses a user interface for purportedly designing a static image, such as a bumper sticker wherein the design can be saved as an XML file. See, e.g., Mack Abstract, ¶¶ [0006]-[0007]. Static images such as bumper stickers or other “high resolution printable digital images for many different ultimate uses” (Mack ¶ [0015]) do not require interactive control buttons or radio buttons such as those disclosed in Adobe. In fact, images of Adobe’s control buttons and radio buttons would be an undesirable artifact in Mack’s printable images. There is no need or desire for interactive components in the images disclosed to be created by Mack. Therefore, Applicants respectfully submit that there is no motivation to combine Mack with Adobe, as required by 35 U.S.C. § 103(a).

The Office Action also states that the combination of Mack with Adobe would have been obvious “since it would have allowed a user to interact with the tag-based data.” Office Action, p.4. But there is no indication within Mack that such interaction is desirable and no citation to Mack within the Office Action to indicate such desirability. In fact, Mack emphasizes building composite images directly from a web browser (Mack,

¶ [0006]), using only images rather than directly interacting with HTML (*see* Mack, ¶ [0007]-[0008]).

Applicants also submit that there is no suggestion or motivation to combine Mack with Hall. Mack discloses storing the generated code related to the static images as XML code. *See* Mack, ¶ [0020]. This is purportedly accomplished by using two “servlets”:

The servlet that converts Java objects from the applet 34 into XML code has a twin servlet at the server that can convert the XML code back into Java objects to be downloaded to the user when a previously constructed sticker is loaded back into the user’s work area on his display screen 27.

Mack, ¶ [0020]. Assuming, for the purposes of this discussion, that Mack’s “Java objects” correspond to the “Java applets” of Hall (a proposition with which Applicants do not agree), the XML code generated by Mack does not contain Java objects but instead XML code representing those Java objects. Thus, there is no need for the disclosed tag generating capability of Hall, since there is no Java applet to be executed. Therefore, inclusion of Hall within Mack would be duplicative, at best, for this functionality disclosed by Mack. Further, since Mack does not disclose the use of a general browser to view the disclosed generated XML files, the purpose of Hall to provide the capability of using a general browser to view Java applets would not be served by its incorporation into Mack. Therefore, Applicants respectfully submit that there is no motivation to combine Mack with Hall from within the references themselves, as required by 35 U.S.C. § 103(a).

Applicants further submit that the Office Action provides no support for successfully incorporating Adobe’s tag-based view control objects into Mack’s disclosed image system (i.e., how these two references might be integrated with one another). Discussion in the Office Action implies that the disclosed image created by Mack on a

computer screen is a Cartesian coordinate-based view to be converted. The Office Action then states that the disclosed Adobe control buttons are added to a tag-based view. Importantly, the Office Action provides no link between these two different types of views or how such a link would successfully enable the claim language. For at least these reasons, Applicants respectfully submit that the Office Action fails to establish that the combination of Mack with Adobe would meet with success as required by § 103(a).

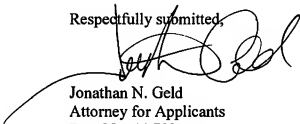
For at least the above reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of obviousness of independent Claims 1, 20, 39 and 58, as amended, and all claims dependent upon them (Claims 3-19, 22-38, 41-57, and 60-77), and that these claims are in condition for allowance. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections as to those claims and an indication of the allowability of same.

CONCLUSION

In view of the amendments and remarks set forth herein, the application and the claims therein are believed to be in condition for allowance without any further examination and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5090.

If any extensions of time under 37 C.F.R. § 1.136(a) are required in order for this submission to be considered timely, Applicant hereby petitions for such extensions. Applicant also hereby authorizes that any fees due for such extensions or any other fee associated with this submission, as specified in 37 C.F.R. § 1.16 or § 1.17, be charged to deposit account 502306.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan N. Geld', is written over a horizontal line.

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